

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Jonathan Dean Segel
	:	
For	:	HIGH AVAILABILITY
	:	BROADBAND
	:	CONNECTIONS THROUGH
	:	SWITCHING FROM WIRELINE
	:	TO DIVERSE WIRELESS
	:	NETWORK
	:	
Serial No.:	:	10/773,226
	:	
Filed	:	February 9, 2004
	:	
Art Unit	:	2616
	:	
Examiner	:	Tung Q. Tran
	:	
Att. Docket	:	ALC 3117
	:	
Confirmation No.	:	7748

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Missing parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment, enclosed are the following:

- Copy of said Notice of Non-Compliant Amendment Notice
- Amendment filed in response to the Office Action dated July 9, 2008, corrected in accordance with the Examiner's instructions.

Application No.: 10/773,226
Kramer & Amado's Docket No.: ALC 3117

If the fees submitted prove insufficient, the Office is hereby authorized to charge any additional fees, or credit any overpayments, to our Deposit Account Number 50-0578.

Respectfully submitted,
KRAMER & AMADO, P.C.

A handwritten signature in cursive script, reading "Terry W. Kramer", written over a horizontal line.

Terry W. Kramer
Registration No: 41,541

Date: November 4, 2008

KRAMER & AMADO, P.C.
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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,226	02/09/2004	Jonathan Dean Segel	ALC 3117	7748
7590 10/31/2008				
KRAMER & AMADO, P.C. 1725 Duke Street, Suite 240 Alexandria, VA 22314				
EXAMINER				
ART UNIT		PAPER NUMBER		

DATE MAILED: 10/31/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/773,226

Examiner

TUNG Q. TRAN

Applicant(s)

SEGEL, JONATHAN DEAN

Art Unit

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 06 October 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Newly amended limitations are not underlined.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- 1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- 2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

/Kwang B. Yao/

Supervisory Patent Examiner, Art Unit 2416

DETAILED ACTION

Response to Amendment

1. The reply filed on October 6 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Currently amended claims 1-5, 13-14, 17, 19-20, 22, 29, 33-34, 37, 40, and 46-50 are not underlined. See 37 CFR 1.111.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUNG Q. TRAN whose telephone number is (571) 272-9737. The examiner can normally be reached on Mon-Fri: 7:30 am - 5 pm, off alternative Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kwang B. Yao/
Supervisory Patent Examiner, Art Unit 2416